

Date: 9 Jan 78

TO: The Director

FROM: [REDACTED]

SUBJECT: Briefing President on Leaks

REMARKS:

[REDACTED] forwards a recommendation that you ask President to discuss leaks with Congressional leadership. You had talked about this and it appears to be a sound idea.

However, I am not clear how this ties in with the item already scheduled on your Presidential Briefing tomorrow, and work that Tony Lapham has been doing. It may be that these efforts should be joined with [REDACTED].

In any event, you may wish to talk about [REDACTED] proposal with ZB prior to submitting it to the President.

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Executive Registry

78-4029

OLC 78-0260

6 January 1978

23 FEB 1978

MEMORANDUM FOR: Director of Central Intelligence

FROM: [redacted] Legislative Counsel

SUBJECT: Item for Discussion with the President --
Proliferation and Disclosure of
Intelligence Information

1. ☐ Action Requested: This memorandum recommends that you take up the subject of recent disclosures of sensitive intelligence information with the President when you meet with him next.

2. ☐ Background: Following the disclosure of sensitive information in a Washington Star article [redacted]

[redacted]
item there have been several disclosures from the Fraser Subcommittee of the House International Relations Committee; several from Lee Hamilton's Subcommittee of that same Committee; a disclosure of information on

[redacted] by the Senate Select Committee on Intelligence, and the very recent disclosure of information [redacted]

[redacted] These disclosures are identified in Tab A.

3. ☐ I believe that when the Congress reconvenes for the second session of the 95th Congress, the President should raise with the Congressional leadership, his concern over these disclosures and suggest that the leadership of both the House and Senate take steps to restrict access to sensitive intelligence information to the four oversight committees; i. e., the Select Committees and Appropriations Committees of both bodies.

4. ☐ Part of the concept for the establishment of select committees on intelligence was the desire to concentrate Congressional oversight of intelligence activities. To this end, it was asserted that the select committees would have exclusive jurisdiction in certain areas and primary jurisdiction in others with sequential jurisdiction retained by certain

Downgraded to CONFIDENTIAL

when separated from attachments

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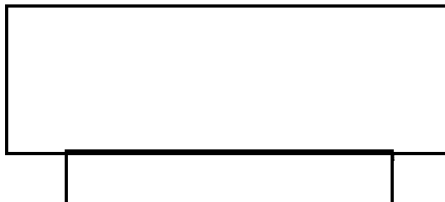
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other committees such as Armed Services, Judiciary, Foreign Relations, etc., with regard to those elements of the Intelligence Community directly under their supervision, such as the military intelligence services, DIA, NSA, the FBI and the Bureau of Intelligence and Research of the State Department.

X1 5. ☐ Other committees have not refrained from exercising jurisdiction over intelligence matters. In fact, ☐ comes within the jurisdictional prerogatives of many committees or subcommittees. As a result, we have briefed the energy subcommittees of the Interior, Commerce and Armed Services Committees in the House and the Energy Subcommittee of the Governmental Affairs Committee in the Senate. At the request of the Commerce Subcommittee we have also briefed representatives of the GAO, who are working with that group on this issue, and it appears that the Ad Hoc Select Committee on Energy will soon be requesting information. These Committees are asserting jurisdiction over atomic energy matters which were previously reserved to the jurisdiction of the now defunct Joint Committee on Atomic Energy. It can and should be argued that intelligence information involving sensitive sources and methods (as opposed to straight intelligence assessments) related to topics such as this which are within the jurisdiction of other committees, should be made available to those committees through the Select Committees on Intelligence, and under the protective provisions of the charters of these Committees regarding the disclosure of information provided to them. (The SSCI has followed this procedure on occasion in the past [Senator Allen's Judiciary Subcommittee interest ☐ but the HPSCI has repeatedly stated that it does not want to become a buffer between CIA and other committees of the House".) 25X1

X1 6. ☐ Recommendation: It is recommended that you suggest to the President that at his regular meetings with the House and Senate leadership, or in private discussions with Speaker O'Neill and Majority Leader Byrd, he express his concern over the proliferation of sensitive intelligence information among committees of the Congress (especially in the House) and ask for the Leaders' support in reenforcing the jurisdiction of the Select Committees on Intelligence on those sensitive intelligence aspects of subjects otherwise within the jurisdiction of other committees. A talking paper, including the list of recent disclosures, is attached for the President's use. 25X1



Attachments: as stated 25X1

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APPROVED:

Director of Central Intelligence

Date

DISAPPROVED:

Director of Central Intelligence

Date

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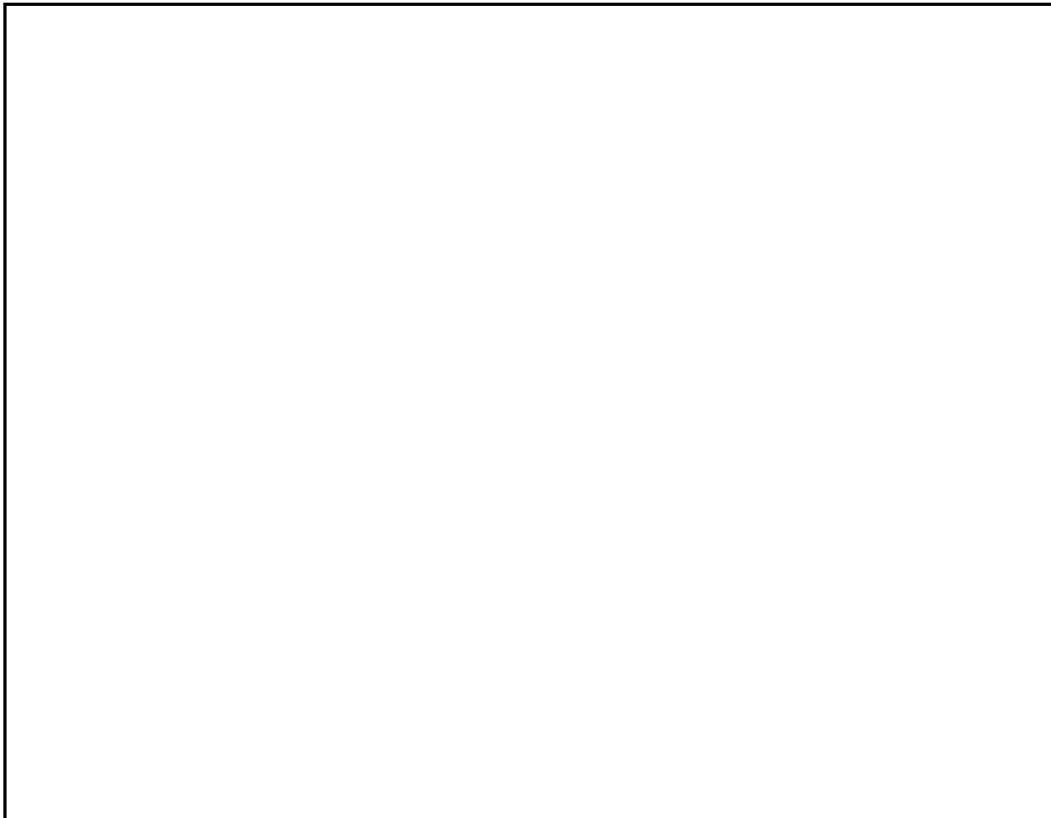
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Proliferation and Disclosure
of Sensitive Intelligence Information

There have been a number of recent disclosures of sensitive information through the news media and elsewhere. Some of these disclosures have clearly come from the Congress; others presumably have come from Congressional sources but information on this is a little less definite. Some of these disclosures have been:

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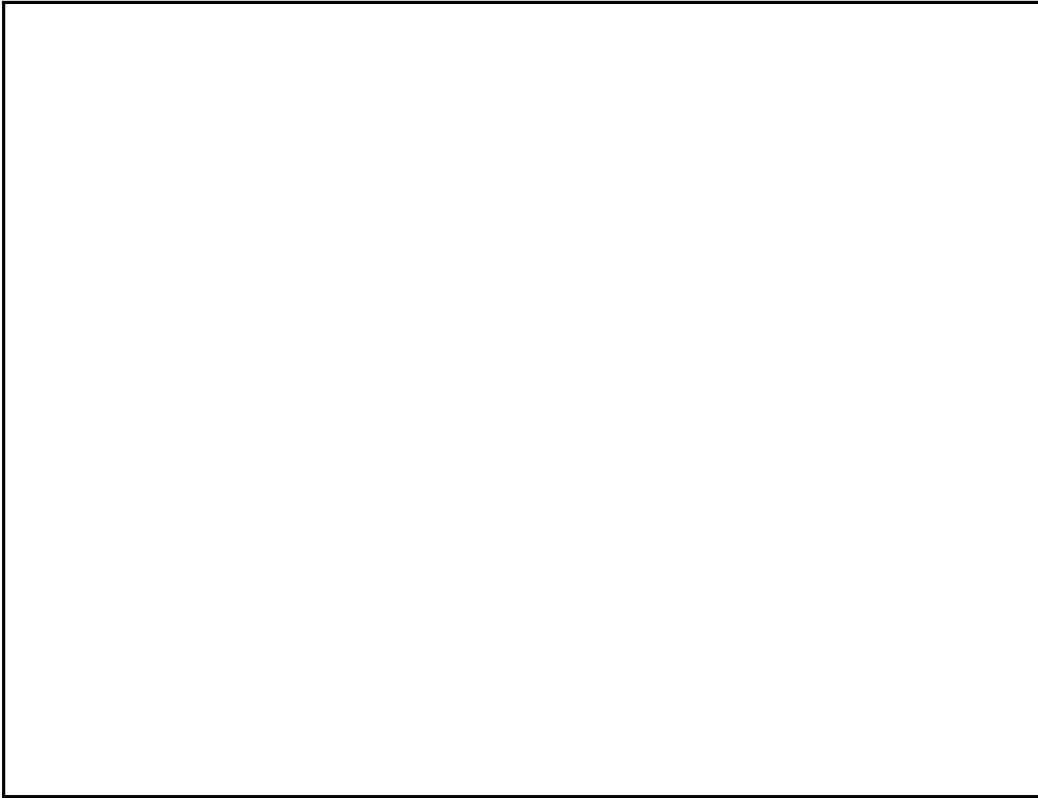


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Talking Points for Meeting with Leadership on Proliferation of Intelligence Information

1. I have become increasingly concerned over the amount of sensitive intelligence information that has been disclosed in the news media and elsewhere recently. Some of this information has clearly been disclosed from Congressional sources. In other instances the source of these disclosures is not certain, but all indicators lead to elements of the Congress. [A list of recent disclosures is attached.]

2. The establishment of the Select Committees on Intelligence in both Houses of Congress has come a long way toward providing a responsible forum for Congressional access to sensitive intelligence information while at the same time protecting the sensitivity of it. [Both Resolutions establishing these Committees provide strict procedures for the handling of information and sanctions to be invoked in instances of disclosure.]

3. Despite efforts in the Executive Branch and in these Select Committees, elements of the Congress, outside of these Committees, have demanded access to sensitive intelligence information when it is related to matters otherwise within the jurisdiction of those elements. A case in point is the jurisdiction of numerous committees with respect to energy matters, including atomic energy. They are:

Subcommittee on Energy & the Environment,
House Committee on Interior and Insular Affairs

Subcommittee on Energy & Power,
House Interstate & Foreign Commerce Committee

Subcommittee on Intelligence & Military Application
of Nuclear Energy, House Armed Services Committee

Subcommittee on Environment, Energy & Natural
Resources, House Government Operations Committee

Subcommittee on Advanced Energy Technologies &
Energy Conservation Research, Development
and Demonstration, House Committee on Science
and Technology

Senate Committee on Energy and Natural Resources

Subcommittee on Energy, Nuclear Proliferation &
Federal Services, Senate Governmental Affairs
Committee

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In the interest of harmony between the Executive and Legislative Branches and in an attempt to keep interested elements of the Congress informed, we have complied with the requests of these committees. However, recent disclosures of information [] bring me to the conclusion that we cannot continue to proliferate this kind of sensitive information to this many committees.

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4. I do not suggest that we conduct a massive investigation to determine the source or sources of these disclosures, but I would urge you as the leaders of the Congress to assume, as a priority responsibility in this new session of the Congress, the limitation of access to this kind of information to the committees of Congress which have a direct responsibility for intelligence matters. [In addition to the Select Committees, these are the Subcommittees of the Appropriation Committees in both Houses of Congress having jurisdiction over intelligence.]

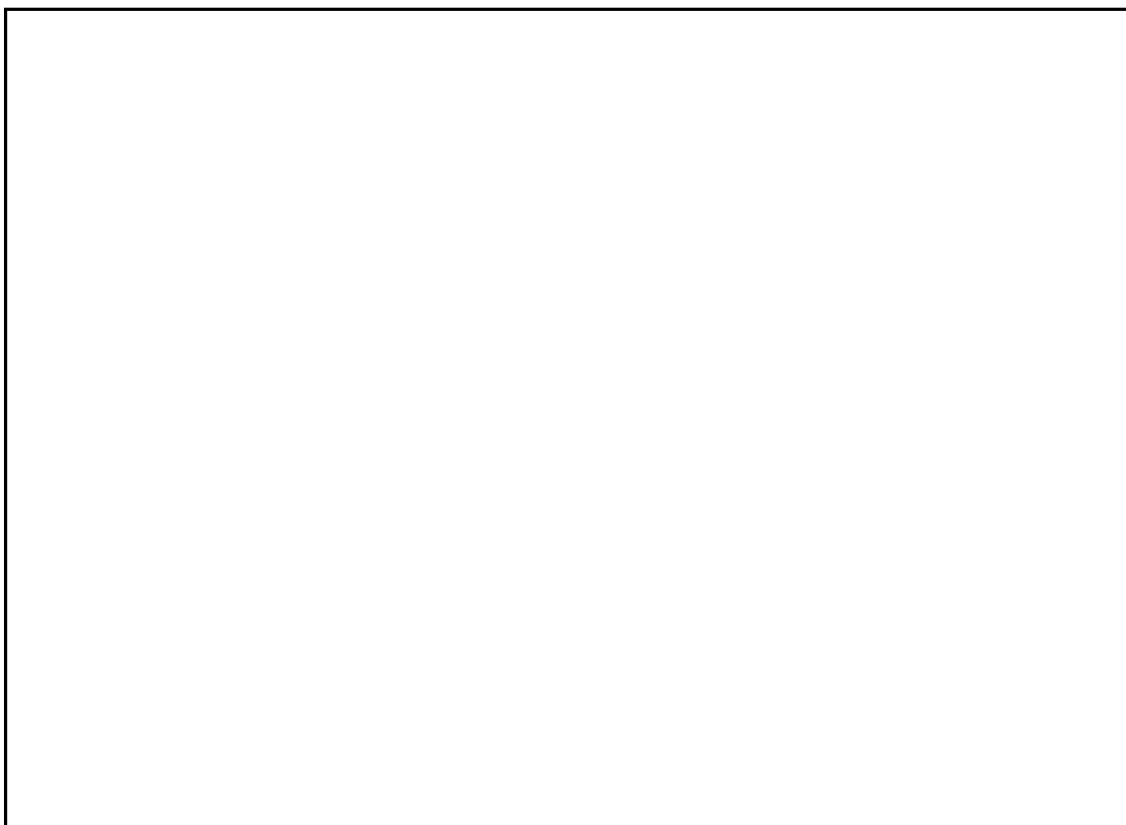
5. I would also urge that you as leaders of the House and Senate take a serious look at the existing provisions of Section 662 of the Foreign Assistance Act of 1961, as amended, (the Hughes/Ryan amendment) with the objective of determining that the term "appropriate committees of the Congress" to whom reports of covert action programs would be reported under this provision, be limited to the four Committees I have mentioned. It would appear that this will ultimately require changes in this legislation, but I would appreciate your inquiry into the matter.

6. Once again, Admiral Turner as Director of Central Intelligence and I are anxious to share as much of the finished product of intelligence as can possibly be made available on an unclassified basis and on a classified basis where necessary, but we must take steps to protect sensitive intelligence information and the sources and methods involved in obtaining that information.

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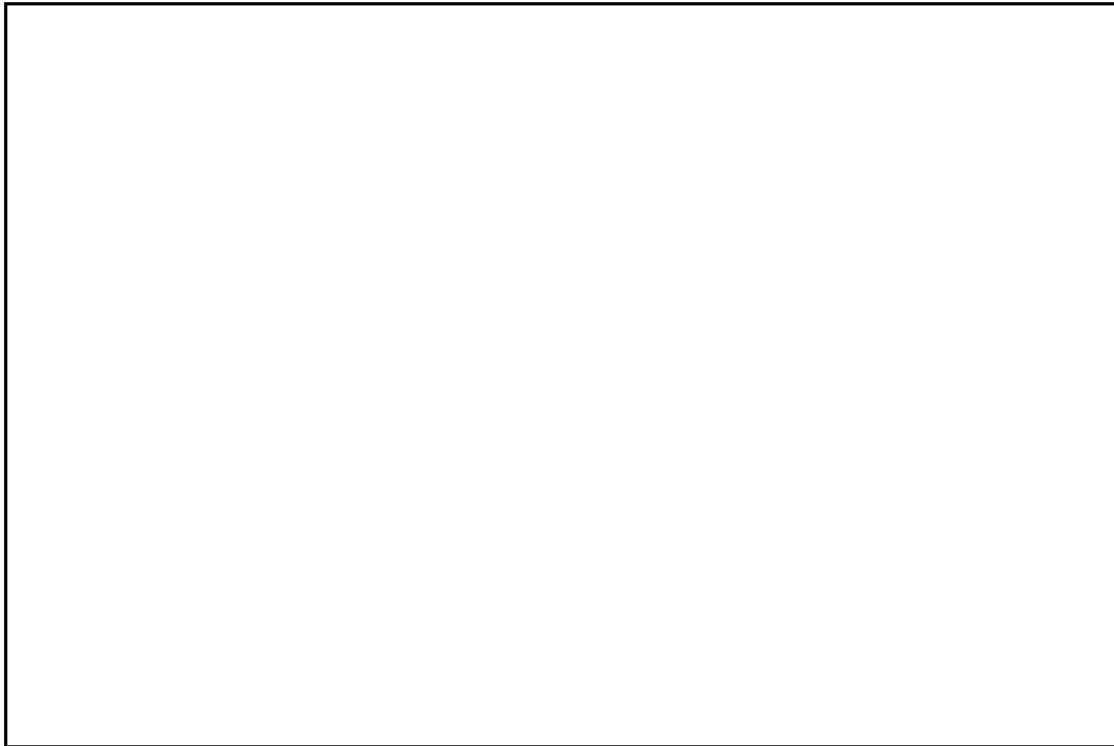


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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

EXTENSION

NO.

Legislative Counsel

DATE 6 January 1978

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TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

Acting DDCI

2.

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DCI

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8.

Attached is the material you requested for your use in discussing the problem of proliferation of intelligence information within the Congress, which you discussed earlier with Dr. Brzezinski.

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cc: A/DDCI
A/DDO
OGC

CENTRAL INTELLIGENCE AGENCY

OFFICE OF THE DEPUTY DIRECTOR

"To 3
"Sir,
"I believe George's proposal has considerable merit.
/s/Jack Blake"

12.

13.

14.

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To 3
Sir,
I believe
George's proposal
has considerable
merit.

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FORM
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